	Function: TECHNOLOGY AND COMMUNICATION	Adopted: 5th September 2018 Resolution No.: C181:0918
	Policy Number: TC004	Last Review: 6 th October 2021 Resolution No.: C302:1021
	Version Number: 2.1	Next Review: As Required
BODY WORN CAMERAS, CCTV SYSTEMS AND GPS TECHNOLOGY POLICY		

Policy Statement

1. Introduction

- 1.1. Copper Coast Council (Council) is committed to creating clear parameters for the installation, operation and management of modern surveillance technology (including body worn cameras, CCTV systems and GPS technology) for improving governance, risk management and administrative practices.
- 1.2. Council has identified proven efficiencies and effectiveness with the use of modern surveillance technology for the safety, protection and security of:
 - 1.2.1. Council owned, leased or under the care and control of community, educational, recreational and tourism facilities;
 - 1.2.2. Public areas including central business districts, parks, playgrounds, foreshores and sporting grounds;
 - 1.2.3. Council's assets including infrastructure, vehicles, plant and equipment, electronic equipment;
 - 1.2.4. Council public officers, customers, residents and visitors.

2. Scope

- 2.1. This Policy provides Council with the framework on installation, location, operation, creation, storage, access and release of recorded data of surveillance devices.
- 2.2. Council supports the implementation and use of surveillance devices (including body worn cameras, CCTV systems and GPS technology) to assist with:
 - 2.2.1. Deterring undesirable, criminal behaviour and anti-social behaviour against property and persons;
 - 2.2.2. Enhancing community well-being by reducing the fear and the cost of crime;
 - 2.2.3. Obtaining reliable information for evidentiary and investigative purposes for Council and external agencies;
 - 2.2.4. Providing a healthy and safe workplace for public officers; and
 - 2.2.5. Obtaining relevant data for fleet and asset management purposes.
- 2.3. The use of surveillance devices to make visual and/or audio recordings and tracking data is regulated under the Surveillance Devices Act 2016. Council will take all reasonable measures to ensure compliance with the requirements of the Surveillance Devices Act 2016 in connection with its use of surveillance devices.

- 2.4. Council, although not currently subject to privacy legislation or administrative instructions, is committed to providing best practice in the handling of the recorded data and personal information in its possession.
- 2.5. This Policy does not apply to CCTV systems on private land where the data is not captured or controlled by Council.

3. Applicable Legislation

3.1. The following legalisation applies to this Policy:

- Surveillance Devices Act 2016
- Local Government Act 2016
- Public Interest Disclosure Act 2020
- Freedom of Information Act 1991
- State Records Act 1997
- Councils By-Laws
- Code of Conduct for Council Employees

3.2. This Policy is not a mandatory requirement but essential for good governance.

4. Integration with Corporate Objectives

4.1. This Policy supports Council's Strategic Plan 2019 - 2029

4.1.1. Social Objective – Wellbeing

Goal 1 - To enhance the quality of life of our community by encouraging health, wellbeing and safety.

- 1.4 Public Order and Safety – To play a lead role in the development of a safe and orderly community for all residents.

4.1.2. Environmental Objective – Sustainability

Goal 2: To responsibly manage the natural and built environment to ensure its sustainability and diversity to the community.

- 2.16 Public Facilities and Council Property – To facilitate continual improvement of Council assets and maintenance of Council property.

4.1.3. Governance Objective – Leadership

Goal 5 - To provide leadership and ensure resources are managed efficiently and effectively.

- 5.3 Legislation - To adhere to the requirements of the Local Government Act 1999, regulations and other legislation that influences the operations of Council.

5. Definitions

For the purposes of this Policy, the following definitions apply:

- 5.1. **Data** (also **recorded data**) is defined as an official record created from any audio, video recordings and GPS data captured by a surveillance and monitoring device.
- 5.2. **Authorised officer** is defined as an Authorised person delegated authority under section 44 of the Local Government Act 1999.
- 5.3. **Body worn cameras** means a camera designed to be worn by an Authorised person to capture audio and/or visual data recordings.

- 5.4. **CCTV system** means closed-circuit television system and surveillance cameras with or without an attached recording system that is used for video surveillance and involves the use of cameras (fixed or otherwise) to record data whether or not those cameras transmit recordings to an external device or monitor.
- 5.5. **Chief Executive Officer (CEO)** means the appointed Chief Executive Officer under section 96 of the Local Government Act 1999 and includes any person acting or delegated by the Chief Executive Officer's under sections 100 and 101 of the Local Government Act 1999.
- 5.6. **Council** means the Copper Coast Council and any delegate of the Council.
- 5.7. **Council member** means the Principal Member (the Mayor) and Councillors of the Council under sections 51 and 52 of the Local Government Act 1999.
- 5.8. **Plant and equipment** means any Council owned, subsidised, leased or hired vehicles, plant and equipment including mobile and portable electronic devices.
- 5.9. **GPS (Global Positioning System) Technology** means any device capable of determining its location and source data through satellite and tower navigation systems.
- 5.10. **Information management** means the collection and management of an *official record* generated by or obtained from a surveillance device.
- 5.11. **Official record** (also referred to as data or recorded data) means a written, pictorial, graphic, disk, tape, film, data or other object that contains information made or received by Council in the conduct of its business or, from which information may be reproduced (with or without the aid of another object or device).
- 5.12. **Private activity** means in the case of an activity carried on by:
- 5.12.1. Only one (1) person is carried on in circumstances that may reasonably be taken to indicate that the person does not desire it to be observed by any other person; or
- 5.12.2. More than one (1) person, is carried on in circumstances person in circumstances that may reasonably be taken to indicate that at least one (1) party to the activity desires it to be observed only by the other parties to the activity;
but does not include an activity carried:
- 5.12.3. On or in a public place; or
- 5.12.4. On or in premises or a vehicle if the activity can be readily observed from a public place; or
- 5.12.5. On or in any other circumstances in which a person or party to the activity ought reasonably to expect that it may be observed by another person (who is not a party to the activity).
- 5.13. **Private conversation** means a conversation carried on in circumstances that may reasonably be taken to indicate that at least one party to the conversation desires it to be heard only by the other parties to the conversation (but does not include a conversation made in circumstances in which all parties to the conversation ought

reasonably to expect that it may be heard by a person who is not a party to the conversation).

5.14. **Public place** includes a place to which —

5.14.1. Free access is permitted to the public, with the express or tacit consent of the owner or occupier of that place; and

5.14.2. The public are admitted on payment of money, the test of admittance being the payment of money only; and

5.14.3. A road, street, footway, court, alley or thoroughfare which the public are allowed to use, even though that road, street, footway, court, alley or thoroughfare is on private property;

5.15. **Public officer** means a member, employee, volunteer or, contractor authorised to perform work on behalf of Council.

5.16. **SAPOL** means South Australian Police.

5.17. **Surveillance device** means surveillance equipment operated and maintained by the Council (or a Council authorised officer) and includes but not limited to body worn cameras, a CCTV surveillance systems and a GPS technology.

6. Application

6.1. This Policy applies to public and authorised officers of the Copper Coast Council.

6.2. The location of surveillance devices may be located in or on or used by:

6.2.1. Council owned, leased or under the care and control community, educational, recreational and tourism facilities, public areas including central business districts, parks, playgrounds, foreshores and sporting grounds - externally and internally of public areas and staff only access areas. Cameras will not be located within toilet or change room facilities, but can be located outside facilities.

6.2.2. Council compliance matters and community events - temporary surveillance devices may be installed.

6.2.3. Council plant and equipment - where staff undertake remote, isolated, at risk work and for fleet and asset management.

6.2.4. Authorised officers - body worn cameras to be worn in plain view only.

6.2.5. The actual installation location of surveillance devices will not be divulged to public officers or members of the public where it may jeopardise the purpose and intent.

6.3. Use of CCTV Systems

6.3.1. CCTV systems provide safety, protection and security to individuals when in various locations in the Copper Coast area. CCTV systems are also an important tool to assist in day to day operations in visitor and customer service area.

6.3.2. Council may install or operate CCTV systems in and on Council owned, leased or under the care and control of community, educational, recreational and tourism facilities; in public areas including central business districts, parks, playgrounds, foreshores and sporting grounds, throughout

the locality; or on private land with the permission of the land owner to which a record of permission given by a land owner will be retained by the Council.

- 6.3.3. Council may also install temporary CCTV systems or other surveillance devices for the purposes of capturing specific events or incidents. For example: for community events or illegal dumping incidents.
- 6.3.4. Authorised officers are responsible for the management of any CCTV systems located on Council property or that is otherwise operated by or on behalf of Council. Maintenance and installation of fixed cameras will be undertaken by an appropriately qualified technician or security person in accordance with appropriate Australian Standards and placed in visible locations as determined by authorised staff.
- 6.3.5. Signage will be installed at entry points at eye level where the CCTV systems are in use and also where surveillance devices would not necessarily be expected, for example:
 - 6.3.5.1. 'Staff only' kitchens or other staff only areas
 - 6.3.5.2. Publically accessed area, like offices, buildings and remote or high volume usage areas, for example the Kadina main office, Uni Hub, Library, Farmshed, Playcafe and Splashtown.
 - 6.3.5.3. Providing an additional deterrent in public areas where there is a high level of undesirable, antisocial or illegal behaviour such as rubbish dumping or property damage including graffiti vandalism.
 - 6.3.5.4. Council acknowledges in situations outlined in 6.3.3, CCTV systems will be put in place without signage.
- 6.3.6. CCTV systems will only be used to record a private activity or a private conversation in accordance with the Surveillance Devices Act 2016, where:
 - 6.3.6.1. All parties consent, expressly or impliedly, to the relevant device being used for the recording; or
 - 6.3.6.2. The use of the surveillance devices is in the public interest; or
 - 6.3.6.3. The use of the surveillance devices is reasonably necessary for the protection of the authorised officer using the device.
- 6.3.7. Authorised persons involved in the operation of a CCTV system (fixed or otherwise) must exercise care at all times to prevent improper disclosure of data captured. Authorised officers are responsible for the management of official records, and will exercise due care when downloading, creating and storing data and the disclosure of data at all times.
- 6.3.8. All recordings made by a CCTV system will be managed by authorised officers as stated in Clause 6.6 and kept for three (3) months unless there is a reported incident or FOI request requiring further retention period in accordance with Clause 9.

6.4. Use of Body Worn Cameras

- 6.4.1. Body worn cameras provide protection and safety to authorised officers and the public in the event of a perceived threat or incident; which can

lawfully be activated by the authorised officer for the purposes of making video and/or audio recordings for evidence gathering purposes.

- 6.4.2. Council will make available body worn cameras to wear to provide transparency, accountability, and encourage a reduction in aggressive and violent behaviour towards trained Authorised officers who carry out compliance related matters.
 - 6.4.3. Body worn cameras may have the capability to operate in conjunction with GPS technology and the authorised officer will be notified of this.
 - 6.4.4. All body worn cameras will be calibrated on a regular basis to ensure the accuracy and reliability of recorded data. A record must be maintained each time the devices are calibrated.
 - 6.4.5. Body worn cameras will only be used to record a private activity or a private conversation in accordance with the Surveillance Devices Act 2016, where:
 - 6.4.5.1. All parties consent, expressly or impliedly, to the relevant device being used for the recording; or
 - 6.4.5.2. The use of the surveillance devices is in the public interest; or
 - 6.4.5.3. The use of the surveillance devices is reasonably necessary for the protection of the authorised officer using the device.
 - 6.4.6. Any authorised officers who wears a body worn camera during the course of their official duties must ensure that the data captured by an activated device is downloaded securely and stored on to Council's computer system promptly by the authorised officer as stated in Clause 6.6 and; exercise due care to prevent improper disclosure of data captured by the device.
 - 6.4.7. Official records and data created by body worn cameras will be managed by the authorised officers as stated in Clause 6.6 and kept for thirty-one (31) days unless there is a reported incident, which will require further retention period in accordance with Clause 9.
- 6.5. Use of GPS Technology
- 6.5.1. GPS technology may be fitted to Council vehicles, plant and equipment where identified necessary.
 - 6.5.2. GPS technology can provide Council with:
 - 6.5.2.1. Meeting work, health and safety obligations, including when staff work alone, or in remote and isolated areas;
 - 6.5.2.2. To provide real time location of vehicles, plant and equipment, electronic equipment to ensure operational safety and efficiency;
 - 6.5.2.3. Asset management and collection of data.
 - 6.5.3. Where GPS technology is fitted to a Council vehicle, plant and equipment and electronic equipment, the person will be made aware of the Council's ability to monitor, record and extract data through the fitted device.
 - 6.5.4. All vehicles, plant and equipment fitted with a GPS tracking system will display a notification sticker "*This vehicle is fitted with a GPS monitoring system*" in a prominent location.
 - 6.5.5. Official records and data obtained from GPS technology will be managed by authorised officers as stated in Clause 6.6 and in accordance with Clause 9.

6.6. Management of Official Records

- 6.6.1. A Surveillance Device Register will record any surveillance device placed in operation. The register must include date and time surveillance device installed (or used), location, reason and date and time removed.
- 6.6.2. Surveillance devices may constantly record on a looped recording system. Records can be overwritten no earlier than the legislative retention period.
- 6.6.3. Official records may only be viewed by an authorised officer, except in the circumstances where Council have installed monitors that are visible to all staff or apps allowing remote access to support Council essential services.
- 6.6.4. Council may engage a government agency or external contractor to assist with monitoring active and live surveillance devices where necessary. Council agrees to work with SAPOL to manage and monitor CCTV systems.
- 6.6.5. In the event that criminal activity is recorded on a surveillance device, Council will, refer the matter to SAPOL, or other enforcement agency for action as that authority sees fit.
- 6.6.6. In most circumstances, only Council's authorised FOI Officers, the ICT Services Coordinator and authorised officers who are involved in the related surveillance matter, are permitted to access and view official records.
- 6.6.7. The release of official records must be handled as follows:
 - 6.6.7.1. Public Access – Under section 13 of the Freedom of Information Act 1991 gives a legally enforceable right of access by members of the public (subject to certain restrictions) to records held by government agencies and council's. Official Records of Council may be accessible to an applicant under the Freedom of Information Act 1991.
 - 6.6.7.2. SAPOL, Australian Federal Police, the Ombudsman or the Independent Commissioner Against Corruption into possible criminal or corrupt activity - Must be directed to the CEO, or such other Officers as the CEO has specified. In the event that access to a CCTV or security camera recording is requested by any of these agencies for the purpose of conducting an investigation into possible criminal activity, Council will provide access to, or a copy of, the recording as requested, as soon as practicable after receiving the request.
 - 6.6.7.3. Media - The Council views the rights of the media to gain access to CCTV or security camera recordings to be the same as that of a member of the public. That is, an application will need to be made under the Freedom of Information Act 1991 and the provisions of that Act will apply.
 - 6.6.7.4. Internal Use by Council - If an official record is required for an internal Council purpose, this requires a formal request and documented approval for transparency and good governance. Internal requests will be rare, and confidentiality of footage (including that on no account should it be released to the public) must be ensured at all times. Requests for footage are to be submitted by the Director through the ICT Services Coordinator.

6.6.8. Prior to the release of an official record, consideration must be given to any individual that can be identified in an official record, as Council's *Privacy Policy* and/or legal protection may apply.

6.6.9. Where access to official records is provided to a third party, a record of such access (including details of who accessed the data, when and for what purpose) must be created in accordance with the Records Management Policy.

6.7. Training and Education

6.7.1. Staff recruitment and induction process will include:

6.7.1.1. A copy of the Policy made available and awareness of associated policies and procedures and implications to their role.

6.7.1.2. If appointed an Authorised officer, training must be provided on surveillance devices by ICT Services Coordinator prior to accessing and using equipment and data management.

6.7.1.3. Staff without relevant authorisation are prohibited from using, interfering or accessing any surveillance device or data. Unauthorised interference may result in disciplinary action.

6.7.2. Surveillance devices, data awareness and information will be made available to staff and the community via Copper Post articles, signage. Council website and relevant policies and procedures.

7. Delegation

7.1. Pursuant to section 44 of the Local Government Act 1999, Council delegates to the Chief Executive Officer authority to administer Councils' policies.

7.2. Council's Information Communication Technology Services Coordinator (ICT Services Coordinator) and Records Management Officer are the delegated authorised officers for the collection, storage, release and destruction of official records.

7.3. Authorised officers who are trained are the only persons approved to operate surveillance devices within the course of the ordinary duties.

8. Complaints

8.1. Complaints relating to this Policy must be made in writing to Council. All complaints will be investigated in accordance with Councils Complaints Handling Policy.

9. Adoption and Review

9.1. This Policy will be reviewed as required, with the review being undertaken by the Information Technology Department and a report provided to Council for consideration and adoption.

10. Records Management

10.1. The primary purpose of surveillance devices is to enhance the safety of the community and protect Council staff and property. However, data captured by a surveillance device constitutes an 'official record' for the purposes of the State



Records Act 1997 and subject to the Council's record keeping obligations and can only be disposed of in accordance GDS 40.

10.2. Official records will be collected, stored, maintained, accessed and released in accordance with the requirements of Records Management Policy as required by section 125 of the Local Government Act 1999, State Records Act 1997, Surveillance Devices Act (SA) 2016 and the Freedom of Information Act 1991.

11. Availability of Policy

11.1. This Policy will be available for inspection without charge at the Council's Principal Office during normal business hours and via the Council's website www.coppercoast.sa.gov.au.

11.2. A copy of this Policy may be obtained on payment of a fee in accordance with Councils' Schedule of Fees and Charges.

Signed		
	Mayor	Chief Executive Officer
Date	11 th October 2021	11 th October 2021